



McGillivary  
Steele  
Elkin <sup>LLP</sup>

Gregory K. McGillivary  
gkm@mselaborlaw.com

June 2, 2022

**VIA ECF**

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2204  
New York, NY 10007

Re: *Williams et. al. v. City of New York*, Case No. 1:16-cv-08671  
*Feiner, et. al. v. City of New York*, Case No. 1:16-cv-08675

Dear Judge Gardephe:

We represent Plaintiffs in the above-referenced cases, and we write, with the consent of Defendant, to respectfully request leave of court to file additional opt-in Plaintiffs in these matters. Additionally, we write on behalf of both Parties pursuant to Your Honor's April 8, 2022, Order (*Feiner*, Dkt. 44; *Williams*, Dkt. 62) to provide a substantive status update on the progress being made towards resolution of these matters.

Plaintiffs' counsel have received 105 consent to join forms in the *Williams* case since the April 22, 2022, filing deadline, and 29 new consent to join forms in the *Feiner* case since the May 13, 2022, filing deadline. This is Plaintiffs' first request to file additional opt-in Plaintiffs in *Williams*, and Plaintiffs' second request to file additional opt-in Plaintiffs in *Feiner*. Defendant consents to this request, and as set forth below, the Parties anticipate that the addition of these new opt-in Plaintiffs will have minimal impact on the timing of the resolution of these cases. Finally, there will be no additional requests for leave to file opt-in Plaintiffs in this matter, and joining these final opt-in Plaintiffs to these cases — rather than filing new lawsuits for these individuals — promotes judicial economy and conserves resources.

Accordingly, Plaintiffs respectfully request leave to file additional opt-in Plaintiffs as described above on or before June 3, 2022. A copy of the proposed filings are attached as Exhibit A (*Williams*) and Exhibit B (*Feiner*). Plaintiffs' counsel provided the Defendant with these putative opt-in Plaintiffs' social security numbers in both cases on June 1, 2022.

Defendant has begun the process of identifying and producing the payroll and timekeeping records for the opt-ins added to the case under the April 8, 2022 Initial Case Management Plan and Scheduling Order. However, on June 1, Defendant advised Plaintiffs' counsel that it does not have records that 46 of the new opt-in Plaintiffs in *Williams* were employed by Defendant. Plaintiffs' counsel has begun the process of contacting these 46 *Williams* plaintiffs to obtain additional information regarding their employment status. Defendant is reviewing its records of the list of new opt in Plaintiffs in *Feiner* and will promptly advise Plaintiffs' counsel if there are other opt in Plaintiffs for whom Defendant has no records. As the Parties review the status of these

Hon. Paul G. Gardephe

June 2, 2022

Page 2

46 *Williams* opt-in Plaintiffs there may be a need for the Parties to request that the Court revise the June 14, 2022 deadline for production of the payroll and timekeeping records required under the April 8, 2022, Initial Case Management Plan and Scheduling Order

The Parties will continue to apprise the Court of the progress of these cases every two weeks. The Parties do not seek adjournment of the July 7, 2022, status conference in this matter.

The Parties will file the next substantive status update on June 16, 2022.

Sincerely,

McGILLIVARY STEELE ELKIN LLP

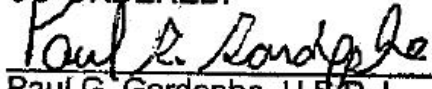
/s/ Gregory K. McGillivary  
Gregory K. McGillivary

cc: All Counsel (via ECF)

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**

  
Paul G. Gardephe, U.S.D.J.

**Dated:** June 3, 2022